

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

CAITLYN A. WILSON

PLAINTIFF

VS.

CIVIL ACTION NO. 1:22dv73-DMB-DAS

CLAY COUNTY, MISSISSIPPI, the Same
Entity as SHERIFF EDDIE SCOTT, In His
Official Capacity as the Sheriff of
Clay County, Mississippi

DEFENDANT

DEPOSITION OF JOSH FULGHAM

TAKEN AT THE INSTANCE OF THE PLAINTIFF
IN THE WEST POINT CITY HALL
580 COMMERCE STREET, WEST POINT, MISSISSIPPI
ON AUGUST 1, 2023, BEGINNING AT 9:55 A.M.

(APPEARANCES NOTED HEREIN)

Reported by: LUANNE FUNDERBURK, CCR 1046

LF REPORTING
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EXHIBIT "I"

Josh Fulgham

August 1, 2023

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1 APPEARANCES:

2 For the Plaintiff:

3 JIM WAIDE, ESQUIRE
4 Waide & Associates, P.A.
5 P. O. Box 1357
6 Tupelo, MS 38802
7 (662) 842-7324
8 waide@waidelaw.com

7 For the Defendant:

8 R. JEFF ALLEN, ESQUIRE
9 Hunt Ross & Allen
10 P. O. Box 1196
11 Clarksdale, MS 38614
12 (662) 627-5251
13 rjallen@huntross.com

13 Also Present: Sheriff Eddie Scott
14 Caitlyn Wilson
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Josh Fulgham

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(NO EXHIBITS)

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1 JOSH FULGHAM, after being duly sworn,
2 testified as follows:

3 EXAMINATION

4 BY MR. WAIDE:

5 Q. Would you state your name, please?

6 A. Josh Fulgham.

7 Q. Can you give me an address where you live,
8 Mr. Fulgham?

9 A. 445 Lone Oak Drive -- Lone Oak Road, I mean.

10 Q. Do you have a cell telephone?

11 A. Yes, sir.

12 Q. What is that number?

13 A. 662-295-0910.

14 Q. If you needed to be reached, is there
15 somebody that would have contact information on you
16 and know how to reach you?

17 A. Uh-huh (yes).

18 Q. Who is that?

19 A. My mom.

20 Q. And give me her name and number, please.

21 A. Joy Edwards, 662-295-3530.

22 Q. Are you living with a lady named Carlee
23 Heflin?

24 A. No, sir.

25 Q. You're not?

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1 A. No, sir.

2 Q. Have you lived with her in the past?

3 A. I did.

4 Q. Where is she now? Do you know?

5 A. She was in rehab I think. But last I heard,
6 she left. I'm not sure.

7 Q. Am I correct in saying y'all have a child
8 together?

9 A. Yes, sir.

10 Q. Do you know Eddie Scott, the sheriff of Clay
11 County?

12 A. Yes, sir.

13 Q. How long have you known Mr. Scott?

14 A. I've known he's been the sheriff since 2012.

15 Q. Have you had some dealings with him yourself?

16 A. Not till recently.

17 Q. Not till what?

18 A. Recently, coming to jail. I mean, he helped
19 me get back on the right track.

20 Q. He helped you get back on the right track?

21 A. Yes, sir.

22 Q. First, Mr. Fulgham, you're not on trial here
23 for anything.

24 A. Right.

25 Q. I just wanted to make sure you understand

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1 that. The only way you can get into a problem is, is
2 if you don't tell the truth.

3 A. I'm telling the truth.

4 Q. I'm not saying you're not. I'm just giving
5 you some unsolicited advice that you're not going to
6 be in any trouble as long as you tell the truth.

7 A. Right.

8 Q. Or if you feel like a question incriminates
9 you on some other charge, you can state the Fifth
10 Amendment and refuse to answer. But other than that,
11 you're not going to be in any trouble as long as you
12 tell the truth.

13 A. Right.

14 Q. Of if you feel like something incriminates
15 you, take the Fifth Amendment. Okay?

16 A. Okay. Yes, sir.

17 Q. First, you said not till recently. Have you
18 --

19 A. Recently. I mean, I've known him, you know,
20 but we just haven't had a relationship till recently.

21 Q. I see. So tell me about your recent
22 relationship with him.

23 A. He's helped me get on the right track.

24 Q. Did you have charges pending against you when
25 he helped you get on the right track?

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1 A. I got a violation.

2 Q. You had violations pending?

3 A. Well, I had violation from tampering with
4 physical evidence.

5 Q. Excuse me. I'm going to need to ask you to
6 speak up. I'm kind of hard of hearing.

7 A. I had got violated on parole with -- caught
8 a charge.

9 Q. You were on parole for what type of charge?

10 A. A drug-related charge.

11 Q. Were you in jail then on a parole violation?

12 A. Yes. Well, not -- till I caught the charge.

13 Q. Well, if you were picked up on a parole
14 violation, there must have been some preceding charge,
15 I guess?

16 A. I mean, I caught the charge and they violated
17 me.

18 Q. They violated you. What was the original --
19 you had an original charge?

20 A. Yes, sir. I was on parole. I had got out on
21 it and I was on parole, and I got picked up on a new
22 charge, and they made me back up the time.

23 Q. What was your original charge?

24 A. Possession with intent, I think.

25 Q. And then you got picked up for a parole

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1 violation?

2 A. Uh-huh (yes).

3 Q. Was that on a drug charge also?

4 A. Yes, sir.

5 Q. You said the sheriff helped you out. Had you
6 gone before a judge when he helped you out or after
7 you went before the judge or what did he do to help
8 you?

9 A. Helped me get rehabilitated by letting me --
10 allowing me to stay up here and do my violation.

11 Q. All right. Had the judge sentenced you then?

12 A. No. The parole board.

13 Q. The parole board. I'm sorry. And what
14 sentence did the parole board give you?

15 A. They made me do the rest of my time, like the
16 complete.

17 Q. How much time would that have been?

18 A. Thirteen months.

19 Q. And so what did the sheriff do? He helped
20 you out how?

21 A. Allowed me to stay here and do my time.

22 Q. Not go back to the penitentiary --

23 A. Right. Yes, sir.

24 Q. Stay and do your time?

25 A. Yeah.

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1 Q. While you were doing -- is that your status
2 now? Is that why you're out now?

3 A. Sir?

4 Q. Do you have a pending charge now or are you
5 doing your time now, as of right now?

6 A. I don't think I have -- no, sir.

7 Q. You don't think you're not --

8 A. I'm not --

9 Q. You're through with that now?

10 A. Yes, sir.

11 Q. And you've got on a shirt like you're working
12 now.

13 A. Yeah, I'm working.

14 Q. Do you know Amber Jones?

15 A. I do.

16 Q. And how did you get to know Amber Jones?

17 A. I've known her my whole life through drugs.

18 Q. Did y'all do drugs together?

19 A. Yes, sir.

20 Q. Did you become familiar with a posting that
21 she made on some type of social media website saying
22 that she had been having sex with the sheriff? Are
23 you familiar with that?

24 A. No, sir.

25 Q. You're not aware that she did that?

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1 A. I'm not aware.

2 Q. I'm sorry?

3 A. I'm not aware.

4 Q. You're not aware that she did that?

5 A. Unh-unh (no).

6 Q. At some point, did you ever become aware that
7 she was alleging that drugs had been planted on her?

8 A. I mean, she's come out and said that. I
9 mean, her and Madison Ray.

10 Q. Where -- tell me about that. When did you
11 hear her say that drugs were being planted on her?

12 A. Before I came -- I think before I got or
13 while I was locked up.

14 Q. When you were locked up you heard her saying
15 that drugs had been planted on her?

16 A. Well, I mean, I've been heard her saying
17 that. I mean, she accuses everybody. I mean, anybody
18 she can say. You know, she just uses anybody.

19 Q. She'll just say anybody planted drugs?

20 A. Yeah. She'll say anything. Yes, sir.

21 Q. Okay. Did you have -- at one point, did she
22 say that Carlee Heflin, your girlfriend, had planted
23 drugs on her?

24 A. I'm pretty sure she probably did, but I
25 wasn't aware.

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1 Q. You were not aware?

2 A. Unh-unh (no).

3 Q. Did there come an occasion -- and I'm not
4 certain about the time of this. Did there come an
5 occasion when you made a statement to Carlee Heflin,
6 which unknown to you was being taped, indicating that
7 you had planted drugs on Amber Jones?

8 A. Yes, sir.

9 Q. What was your purpose in saying that?

10 A. Oh -- high. I was -- they had kept saying I
11 was saying that, so I just told them what they wanted
12 to hear.

13 Q. Who --

14 A. And I was on drugs, and actually I had been
15 up. She took my money, ran over there, and really I
16 think it's really a plan they came up with to try to
17 take down the sheriff.

18 Q. Okay. It was a plan they came up with to --

19 A. Yeah. They coerced, like, asking certain
20 questions to get me to say certain things.

21 Q. Who is they? Who are you talking about?

22 A. Madison Ray.

23 Q. Who is Madison Ray?

24 A. A drug addict.

25 Q. So Madison Ray was coercing you?

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1 A. Yes, sir.

2 Q. Was anybody else coercing you other than
3 Madison Ray?

4 A. I'm pretty sure Carlee was. I'm pretty sure.

5 Q. Your girlfriend?

6 A. Uh-huh (yes).

7 Q. Well, just of the ones you know that was
8 coercing you, though, tell me what did Carlee do --
9 I'm sorry. What did Madison Ray do to coerce you?

10 A. Just get me to talking.

11 Q. She got you to talking?

12 A. Yeah, and asking certain questions.

13 Q. What did she ask you?

14 A. All kinds of stuff, and I really don't
15 remember because I was (Indicating).

16 Q. You know there's a transcript of the tape?

17 A. Oh, I know. I've heard it.

18 Q. Is it -- just give me a summary of what did
19 you say, though.

20 A. I mean, ain't no telling.

21 Q. Well, on the tape you made the statement that
22 you had planted the drugs -- drugs in Amber's car,
23 correct?

24 A. Uh-huh (yes).

25 Q. And it was methamphetamine that was found and

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1 diabetic needles, correct? Are you familiar with
2 that?

3 A. I said diabetic needles?

4 Q. No. I'm just asking you.

5 A. Oh, I --

6 Q. Are you a diabetic?

7 A. Yes, sir.

8 Q. Had you been in the same car with Amber the
9 night before she was arrested for the drugs?

10 A. I don't think I -- it wasn't the night
11 before.

12 Q. When was it? When had you been with her in
13 reference to her drug arrest?

14 A. It was probably a couple of days, but I had a
15 diabetic relapse or something. I passed out.

16 Q. You passed out?

17 A. Yeah. I passed out.

18 Q. And who -- where were you when you passed
19 out?

20 A. Amber's house.

21 Q. And had you taken some type of pills or
22 something at that time?

23 A. I'm pretty sure. I don't know what they gave
24 me, but I passed out. It may have been fentanyl or
25 something.

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1 Q. You passed out at Amber's house?

2 A. I did.

3 Q. And who all was present with --

4 A. Junior Logan, Madison Ray, Amber Jones, and
5 it was some guy came. I don't remember his name. He
6 was there to see Amber.

7 Q. After that, did you and Amber -- after you
8 passed out that night, or maybe the next morning or
9 the next day -- I'm not sure about the time -- did you
10 ride in the same car with Amber Jones?

11 A. She went to go get some insulin for me. I
12 guess she thought that's what it was. She went to go
13 get some insulin, and she came back. And I had woke
14 up, so they took me on home, took me back home,
15 because Carlee was calling acting a fool and...

16 Q. Who took you back home?

17 A. Amber and Madison.

18 Q. And who was on the front seat and who was on
19 the back seat?

20 A. Amber was -- Amber was driving, and I was in
21 the passenger seat and Madison was behind me.

22 Q. All right. And then in relation to that,
23 when was it that Amber got arrested for drugs?

24 A. I have no idea.

25 Q. But at some point, then, you were talking to

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1 Ms. Heflin, and you made the statement that you had
2 planted the drugs?

3 A. Oh, yeah. I made that statement.

4 Q. And you made the statement that you got the
5 drugs from a deputy sheriff named Kyle Eaves, correct?

6 A. Yes, sir.

7 Q. What is your relationship with Kyle Eaves?

8 A. I really -- I mean, none. We don't have one.

9 Q. How did you know Kyle Eaves?

10 A. Just from being a law enforcement agent.

11 Q. Did you have anything against Kyle Eaves?

12 A. No. I mean, but that's what -- I was just
13 going off of what they was saying.

14 Q. So Ms. Heflin said that?

15 A. Yeah. Well, they said that Kyle had
16 something against them, so I just was feeding off of
17 their stuff and just coming up with...

18 Q. So you just made up the story that you
19 planted the drugs?

20 A. Yes, sir.

21 Q. Am I correct?

22 A. Yes, sir.

23 Q. And how did that help you?

24 A. I mean, it really didn't. I mean, I was on
25 drugs and stuff but, I mean, they tried to get me --

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1 they tried to get me to help them get some stuff
2 against the sheriff is all. Carlee and Madison and
3 Amber.

4 Q. Has anybody ever interviewed you about this
5 other than just right now? Have you talked to anybody
6 about this other than just right now?

7 A. The feds.

8 Q. The FBI?

9 A. Uh-huh (yes).

10 Q. Did you tell them the same thing you're
11 telling me?

12 A. Yes, sir.

13 Q. Did you do a written statement or a taped
14 statement?

15 A. Taped statement.

16 Q. A taped statement?

17 A. Uh-huh (yes).

18 Q. Have you told them exactly the same thing
19 you're telling me?

20 A. Uh-huh (yes). It was all made up.

21 Q. That you just made it up?

22 A. Yes, sir.

23 Q. You also made a statement in there about
24 Nathan Sinko having tried to kill Amber?

25 A. I heard that and I --

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1 Q. Well, it's in the transcript, I mean.

2 A. Right. Right. I just repeated what I heard.

3 Q. Oh, you just heard that he did that?

4 A. Yeah.

5 Q. Who did you hear it from?

6 A. I mean, it was talk in the street.

7 Q. That he had tried to kill Amber?

8 A. Uh-huh (yes).

9 Q. Answer out yes or no, please.

10 A. Yes, sir. Yes, sir.

11 Q. Have you talked with Amber Jones since you
12 made the tape?

13 A. No, sir.

14 Q. Other than me and the FBI, have you told
15 anybody else what you're telling us today, that you
16 just made that up?

17 A. Everybody that asks me.

18 Q. Can you recall who else you may have told?

19 A. Well, I mean, anybody can tell you -- I mean,
20 when I was -- I mean, everybody was at my house at all
21 times. So, I mean, people would -- you know. They
22 know that what I was saying was a bunch of crap.

23 Q. Are you and Tony Lippincott friends?

24 A. This deal with drugs.

25 Q. Y'all are not friends?

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1 A. Yes, sir. We are.

2 Q. Have you talked with him about this at all?

3 A. We really never talked about it.

4 Q. About whether you really planted the drugs or
5 not?

6 A. Well, he knows I didn't.

7 Q. How does he know that?

8 A. I mean, he be at the house too.

9 Q. But he wasn't at the house that night --

10 A. No.

11 Q. -- you were there and passed out, was he?

12 A. No, sir.

13 Q. From what I've heard so far, you had one drug
14 conviction. You got put on parole and you got
15 violated. Is that --

16 A. I mean, I had -- all my charges?

17 Q. Yeah. Do you have other convictions other
18 than what you just told me?

19 A. Selling marijuana, and there's another one.
20 Yeah.

21 Q. If you don't mind -- it may be that, you
22 know, this will be relevant. I'm not doing this to
23 embarrass you, but what all convictions do you have?

24 A. Selling marijuana, possession with intent.
25 That's all conviction.

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1 Q. Did the sheriff help you with any charges
2 other than this one charge you told us about?

3 A. No, sir.

4 Q. And the only way he helped you then was just
5 to let you stay here instead of going to the State
6 penitentiary?

7 A. Yes, sir.

8 Q. Did this come about after you had made this
9 statement about being the one that planted the drugs?

10 A. This came before.

11 Q. I see. Now, at some point after you made the
12 statement of saying that you had planted the drugs and
13 that Kyle Eaves, the deputy, had given them to you,
14 after you made that statement, you made a different
15 statement critical of Amber Jones that you put on
16 Facebook or social media, correct?

17 A. Yes, sir.

18 Q. Where were you when you made that statement?

19 A. In jail.

20 Q. In jail?

21 A. Uh-huh (yes).

22 Q. Why were you in jail?

23 A. The parole violation.

24 Q. I see. Was it after you made that statement
25 critical of Amber Jones that you got this treatment by

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1 the sheriff where you were able to not go back to the
2 penitentiary?

3 A. No. This was before. He allowed me to stay
4 before.

5 Q. I see. So just tell me in substance -- I
6 have a transcript of that somewhere, but I'm not going
7 to try to fish it out. In substance, what did you say
8 about Amber Jones?

9 A. That she lied. I mean, she pretty much --

10 Q. That she lied about what?

11 A. Everything.

12 Q. Well, you're not aware of anything she said
13 other than the drugs were planted on her, are you?

14 A. I mean, yes, sir. I mean, I've heard a lot
15 of talk. I mean, there's talk. I mean, pretty much
16 what's going on. I mean, you know, I've heard, but --
17 I mean, I know -- yeah.

18 Q. Well, I asked you earlier, and I thought you
19 said the only thing that you knew about Amber Jones
20 was that she was making this claim that drugs were
21 planted on her. Do you have some other -- and you say
22 that she lied. Do you have anything else you're
23 referring to there that she lied about?

24 A. Lied about the sheriff.

25 Q. What did she say about the sheriff?

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1 A. I mean, what you told me.

2 Q. I haven't told you anything.

3 A. Claims.

4 Q. What claims?

5 A. I mean, what I heard in the street. Just
6 claims of -- I mean, whatever she's saying.

7 Q. So do you know what she said? What are you
8 accusing her of lying about, I guess is what I'm
9 asking? What are you saying Amber is lying about?

10 A. I know she's lying about me, the drugs. I'm
11 not -- you know...

12 Q. You're the one that said you planted the
13 drugs, sir. She didn't say you planted them. You
14 said it. So what is it you're accusing Ms. Jones of
15 lying about?

16 A. I know she's lying about the sheriff.

17 Q. What? What has she said about him that's not
18 true?

19 A. The accusations.

20 Q. What accusations? You're not going to say?

21 A. The accusations. All of it.

22 Q. Well, since you're not going to say it, let
23 me come out specifically and say it. She says that
24 she had sex with the sheriff while she was an inmate
25 at the jail. You've at least heard that, correct?

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1 A. I heard that.

2 Q. And you say she's lying about it?

3 A. I'm pretty sure.

4 Q. And you weren't there when she had sex with
5 the sheriff --

6 A. No.

7 Q. -- or didn't have it, right?

8 A. No, sir.

9 Q. You were never present with the two of them
10 in the jail, were you?

11 A. No, sir.

12 Q. Are you familiar with the house that the
13 sheriff has out at Mary Holmes College that he uses?

14 A. No, sir.

15 Q. While you were in jail, were you allowed
16 passes to get out from time to time?

17 A. No, sir.

18 Q. You never were?

19 A. (Shaking head negatively).

20 Q. Are you aware of any inmates that were
21 allowed passes?

22 A. No, sir.

23 Q. Am I correct that you have no charges pending
24 in court as we sit here today? There are no charges
25 pending against you?

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1 A. Not that I know of.

2 Q. No charges?

3 A. No, sir.

4 Q. And is the last dealings you had with the law
5 when you completed your parole? Is that the last
6 dealings you had?

7 A. Yes, sir.

8 MR. WAIDE: Give me just a minute. I may
9 be done.

10 (Short recess).

11 Q. (Mr. Waide) Mr. Fulgham, were you arrested on
12 drug charges the day after you made the first -- when
13 you had the conversation saying you had planted the
14 drugs, were you arrested the next day?

15 A. I don't think it was the next day.

16 Q. Very soon thereafter?

17 A. Uh-huh (yes).

18 Q. Who arrested you?

19 A. Sheriff's department.

20 Q. Was it Kyle Eaves?

21 A. Uh-huh (yes).

22 Q. Is the answer yes?

23 A. Yes, sir.

24 Q. And who was with Eaves when he arrested you?

25 A. Officer Quinn, Jeremy DuBois.

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1 Q. Did they have any conversation with you about
2 what you had said the previous day?

3 A. No, sir. It didn't come up.

4 Q. What did they charge you with?

5 A. I'm not sure.

6 Q. Did they find drugs on you when they arrested
7 you?

8 A. Yes, sir.

9 Q. And so do you know how they knew that you had
10 drugs?

11 A. No, sir.

12 Q. Is that the occasion when the sheriff helped
13 you? Is that when you earlier told us about he helped
14 you to keep you from going back to the penitentiary?
15 Is that the charge that he helped you with or is there
16 a different charge?

17 A. The violation?

18 Q. Yeah, the violation. Is that what you're
19 talking about, the violation?

20 A. Yes, sir.

21 Q. Is all you got on that a violation or did you
22 ever get a separate charge for those drugs?

23 A. Just violation.

24 Q. So you never got charged with a drug offense?

25 A. I'm not sure.

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1 Q. To your knowledge you haven't?

2 A. Unh-unh (no).

3 Q. The answer is no?

4 A. No.

5 Q. So do you think the sheriff helped you with
6 that without getting a new charge, then? Or you think
7 Kyle Eaves helped you?

8 A. No, sir.

9 Q. Did you get a lawyer appointed?

10 A. I did.

11 Q. And who was that?

12 A. I'm not sure.

13 Q. Don't remember?

14 A. Don't remember.

15 Q. So you correct me if I'm wrong, but here's
16 the way I'm understanding the scenario of events.
17 When you gave a tape, which indicated that you had
18 planted drugs on Amber Jones and that Deputy Sheriff
19 Kyle Eaves was involved in it, you got arrested within
20 a day or two of that after a drug charge. To your
21 knowledge, you have never been separately charged with
22 that drug charge?

23 A. I probably have. I mean, I'm not sure. I
24 don't remember, Mr. Waide.

25 Q. Are you supposed to be in court anytime about

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1 it, to your knowledge?

2 A. Not to my knowledge.

3 Q. And that's the occasion when you got
4 violated, but you got to do your time up here in Clay
5 County and didn't have to go?

6 A. Yes, sir.

7 Q. And how much time did you do on your
8 violation?

9 A. Thirteen months.

10 Q. Is that what the parole board gave you?

11 A. Uh-huh (yes).

12 Q. You answered yes, right?

13 A. Yes, sir. Yes, sir.

14 Q. Well, congratulations on having your job.
15 What do you do now at your work?

16 A. I'm on the pack line.

17 Q. How long have you had this job?

18 A. Since I got out.

19 Q. Congratulations on getting your -- I take it
20 -- you don't look like you're on drugs now.

21 A. No, sir.

22 MR. WAIDE: That's all I have.

23 EXAMINATION

24 BY MR. ALLEN:

25 Q. Mr. Fulgham, my name is Jeff Allen. I

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1 represent Clay County in this lawsuit filed by Caitlyn
2 Wilson. Do you know Ms. Wilson?

3 A. I do not.

4 Q. Have you ever talked to her?

5 A. I have not.

6 MR. ALLEN: No further questions.

7 (Deposition concluded at 10:21 a.m.)
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C E R T I F I C A T E

STATE OF MISSISSIPPI)

COUNTY OF LEE)

RE: ORAL DEPOSITION OF JOSH FULGHAM

I, LuAnne Funderburk, CCR 1046, a Notary Public within and for the aforesaid county and state, duly commissioned and acting, hereby certify that the foregoing proceedings were taken before me at the time and place set forth above; that the statements were written by me in machine shorthand; that the statements were thereafter transcribed by me, or under my direct supervision, by means of computer-aided transcription, constituting a true and correct transcription of the proceedings; and that the witness was by me duly sworn to testify to the truth and nothing but the truth in this cause.

I further certify that I am not a relative or employee of any of the parties, or of counsel, nor am I financially or otherwise interested in the outcome of this action.

Witness my hand and seal on this 21st day of August, 2023.

My Commission Expires: CCR 1046
April 18, 2027 Notary Public